

06-03-02

WPRCE/3724

#111/Reply at 6/6/02

PTO/SB/30 (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/623865
Filing Date	November 8, 2000
First Named Inventor	Otto Plank
Group Art Unit	3724
Examiner Name	Jermie Cozart
Attorney Docket No.	30051/32015/US

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

**1. Submission required under 37 CFR 1.114**a. ☐ Previously submittedi. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_iii. ☐ Other \_\_\_\_\_b. ☒ Enclosedi. ☒ Amendment/Replyii. ☐ Affidavit(s)/Declaration(s)iii. ☐ Information Disclosure Statement (IDS)iv. ☐ Other \_\_\_\_\_**2. Miscellaneous**a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)b. ☐ Other \_\_\_\_\_**3. Fees** The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.a. ☐ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. \_\_\_\_\_i. ☒ RCE fee required under 37 CFR 1.17(e)ii. ☒ One Month Extension of time fee (37 CFR 1.136 and 1.17)iii. ☐ Other \_\_\_\_\_

06/04/2002 JADD01 00000110 09623865

01 FC:179  
02 FC:115740.00 OP  
110.00 OPb. ☒ Check in the amount of \$ 850.00 enclosedc. ☐ Payment by credit card (Form PTO-2038 enclosed)**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print/Type)	Jeremy R. Kriegel	Registration No. (Attorney/Agent)	39,257
Signature	<i>Jeremy R. Kriegel</i>	Date	May 31, 2002

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV110798242US, in an envelope addressed to: Box RCE, Commissioner for Patents, Washington, DC 20231, on the date shown below.

Dated: May 31, 2002

Signature: *Richard Zimmerman* (Richard Zimmerman)

**FEE TRANSMITTAL**  
**for FY 2002**

**Patent fees are subject to annual revision.**

☐ Applicant claims small entity status. See 37 CFR 1.27

**Complete if Known**

Application Number	09/623865
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First Named Inventor	Otto Plank
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Attorney Docket No.	30051/32015/US

**METHOD OF PAYMENT** (check all that apply)

☒ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account

Deposit  
Account  
Number

13-2855

**Deposit  
Account  
Name**

MARSHALL, GERSTEIN &  
BORUN

**The Commissioner is hereby authorized to: (check all that apply)**

Charge fee(s) indicated below	<b>X</b>	Credit any overpayments
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☒ Charge any additional fee(s) during the pendency of this application

Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity	Small Entity
<p>1. <b>Revenue</b>—The total amount of revenue recognized from the sale of goods or services.</p> <p>2. <b>Cost of Sales</b>—The total cost of the goods or services sold.</p> <p>3. <b>Gross Profit</b>—The difference between revenue and cost of sales.</p> <p>4. <b>Operating Expenses</b>—The total cost of operating the business, excluding cost of sales.</p> <p>5. <b>Operating Income</b>—The difference between gross profit and operating expenses.</p> <p>6. <b>Interest Expense</b>—The cost of borrowing money.</p> <p>7. <b>Income Tax Expense</b>—The cost of income taxes.</p> <p>8. <b>Net Income</b>—The difference between operating income and interest and income tax expenses.</p>	<p>1. <b>Revenue</b>—The total amount of revenue recognized from the sale of goods or services.</p> <p>2. <b>Cost of Sales</b>—The total cost of the goods or services sold.</p> <p>3. <b>Gross Profit</b>—The difference between revenue and cost of sales.</p> <p>4. <b>Operating Expenses</b>—The total cost of operating the business, excluding cost of sales.</p> <p>5. <b>Operating Income</b>—The difference between gross profit and operating expenses.</p> <p>6. <b>Interest Expense</b>—The cost of borrowing money.</p> <p>7. <b>Income Tax Expense</b>—The cost of income taxes.</p> <p>8. <b>Net Income</b>—The difference between operating income and interest and income tax expenses.</p>

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	180	214	80	Provisional filing fee	

<b>SUBTOTAL (1)</b>	<b>(\$)</b>	<b>0.00</b>
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## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

			Extra Claims		Fee from below		Fee Paid
Total Claims	<input type="text"/>	**- =	<input type="text"/>	x	<input type="text"/>	=	<input type="text"/>
Independent Claims	<input type="text"/>	**- =	<input type="text"/>	x	<input type="text"/>	=	<input type="text"/>
Multiple Dependent					<input type="text"/>	=	<input type="text"/>

	Large Entity	Small Entity
1. <b>Revenue Recognition</b>	Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer.	Revenue is recognized when the performance obligation is satisfied, which is when control of the goods or services is transferred to the customer.
2. <b>Cost of Sales</b>	Cost of sales is recognized when the revenue is recognized, and it is measured at the cost incurred to produce the goods or services.	Cost of sales is recognized when the revenue is recognized, and it is measured at the cost incurred to produce the goods or services.
3. <b>Impairment of Financial Assets</b>	Impairment of financial assets is recognized when there is a decrease in the fair value of the asset, and it is measured at the difference between the carrying amount and the fair value.	Impairment of financial assets is recognized when there is a decrease in the fair value of the asset, and it is measured at the difference between the carrying amount and the fair value.
4. <b>Impairment of Non-Financial Assets</b>	Impairment of non-financial assets is recognized when there is a decrease in the carrying amount of the asset, and it is measured at the difference between the carrying amount and the fair value.	Impairment of non-financial assets is recognized when there is a decrease in the carrying amount of the asset, and it is measured at the difference between the carrying amount and the fair value.
5. <b>Provisions</b>	Provisions are recognized when there is a liability of uncertain timing or amount, and it is measured at the best estimate of the amount required to settle the liability.	Provisions are recognized when there is a liability of uncertain timing or amount, and it is measured at the best estimate of the amount required to settle the liability.
6. <b>Share-based Payments</b>	Share-based payments are recognized when the entity receives services from employees or directors, and it is measured at the fair value of the equity instruments issued.	Share-based payments are recognized when the entity receives services from employees or directors, and it is measured at the fair value of the equity instruments issued.
7. <b>Financial Instruments</b>	Financial instruments are recognized when the entity enters into a contract that gives rise to a financial asset or liability, and it is measured at the fair value of the instrument.	Financial instruments are recognized when the entity enters into a contract that gives rise to a financial asset or liability, and it is measured at the fair value of the instrument.
8. <b>Income Tax</b>	Income tax is recognized when the entity has a liability to pay tax, and it is measured at the amount of tax payable.	Income tax is recognized when the entity has a liability to pay tax, and it is measured at the amount of tax payable.
9. <b>Other</b>	Other items are recognized when they are required by the accounting standards, and they are measured at the fair value of the item.	Other items are recognized when they are required by the accounting standards, and they are measured at the fair value of the item.

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

<b>SUBTOTAL (2)</b>	<b>(\$)</b>	<b>0.00</b>
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**\*\*or number previously paid, if greater, For Reissues, see above**

**FEE CALCULATION (continued)**

### 3. ADDITIONAL FEES

Large Entity	Small Entity
<p>1. <b>Revenue Recognition</b></p> <p>Large entities use the <b>percentage of completion</b> method for long-term contracts, recognizing revenue as work progresses. Small entities often use the <b>cost of sales</b> method, recognizing revenue only when the contract is completed.</p>	<p>1. <b>Revenue Recognition</b></p> <p>Small entities often use the <b>cost of sales</b> method for long-term contracts, recognizing revenue only when the contract is completed.</p>
<p>2. <b>Inventory Valuation</b></p> <p>Large entities use the <b>FIFO</b> (First In, First Out) method for inventory valuation. Small entities often use the <b>LIFO</b> (Last In, First Out) method, which can provide a tax advantage in periods of rising prices.</p>	<p>2. <b>Inventory Valuation</b></p> <p>Small entities often use the <b>LIFO</b> (Last In, First Out) method for inventory valuation, which can provide a tax advantage in periods of rising prices.</p>
<p>3. <b>Depreciation</b></p> <p>Large entities use the <b>MACRS</b> (Modified Accelerated Cost Recovery System) for depreciation. Small entities often use the <b>straight-line</b> method, which spreads the cost of an asset evenly over its useful life.</p>	<p>3. <b>Depreciation</b></p> <p>Small entities often use the <b>straight-line</b> method for depreciation, which spreads the cost of an asset evenly over its useful life.</p>
<p>4. <b>Bad Debt Expense</b></p> <p>Large entities use the <b>allowance method</b> for bad debt expense, estimating the amount of uncollectible accounts at the end of each period. Small entities often use the <b>direct write-off</b> method, recognizing bad debt expense only when an account is deemed uncollectible.</p>	<p>4. <b>Bad Debt Expense</b></p> <p>Small entities often use the <b>direct write-off</b> method for bad debt expense, recognizing bad debt expense only when an account is deemed uncollectible.</p>
<p>5. <b>Lease Accounting</b></p> <p>Large entities use the <b>ASC 842</b> (Leases) standard, which requires lessees to recognize most leases on their balance sheet. Small entities often use the <b>ASC 840</b> (Leases) standard, which allows for more flexibility in lease accounting.</p>	<p>5. <b>Lease Accounting</b></p> <p>Small entities often use the <b>ASC 840</b> (Leases) standard for lease accounting, which allows for more flexibility in lease accounting.</p>

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge -- late filing fee or oath	
127	50	227	25	Surcharge -- late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	110.00
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive -- unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Statement	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR 1.129(a))	
149	740	249	370	For each additional invention to be examined (37CFR 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	740.00
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

<b>SUBTOTAL (3)</b>	<b>(\$)</b>	<b>850.00</b>
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## SUBMITTED BY

Name (Print/Type)	Jeremy R. Kriegel
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**Registration No.**  
**(Attorney/Agent)**

39.257

**Complete (if applicable)**

Telephone	(312) 474-6575
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**Signature**

Date \_\_\_\_\_

May 31, 2002

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV110798242US, in an envelope addressed to: Box RCE, Commissioner for Patents, Washington, DC 20231, on the date shown below.

**Dated: May 31, 2002**

Signature: Richard Zimmermann (Richard Zimmermann)



#1 of Rejection  
30051/32015  
PATENT  
6/6/02  
VART

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Plank )  
APPLICATION NO.: 09/623,865 )  
FILED: November 8, 2000 )  
FOR: METHOD FOR PRODUCING A )  
RIM HOLE )  
(This Response accompanies a Request )  
for Continued Examination) )

Examiner: Jermie Cozart  
Group Art Unit: 3726

**RESPONSE**

Hon. Commissioner of Patents  
Washington, D.C. 20231

Dear Sir:

This Response is to the Office Action mailed January 31, 2002, which was made final. A check in the amount of \$850.00, including \$110.00 for a one month extension of time, to and including May 31, 2002 and \$740.00 in fees for the filing of a Request for Continued Examination, is enclosed. In the event any additional fees are necessary, kindly charge the cost thereof to our Deposit Account No. 13-2855. This Response is intended as a submission under 37 C.F.R. 1.114(c).

RECEIVED  
JUN - 5 2002  
TC 3700 MAIL ROOM

**35 U.S.C. § 102 Rejections**

The Examiner continues to reject claims 1-3, 5 and 6 under 35 U.S.C. § 102(b) as being anticipated by Ashby et al., U.S. Patent No. 4,306,511 ("Ashby"). While Ashby discloses breaking out a portion 88 of the rear work piece 84 (see FIGs. 5, 6, 10 and 11) as a punch end part 86 of the punch 54 is driven therethrough. Ashby, however, does not teach breaking out an additional piece of material of the rear plate shaped work piece in a further

step of the single feed movement. Ashby also does not teach any piece of material, much less an additional piece other than the pieces 88, having contours that *correspond to the outer contours of the rim hole*, as set forth in Applicant's claim 1. The rim hole as recited in claim 1 is shown as rim hole 9 in FIGs. 4 and 10. The additional broken out piece 10 is shown as having essentially the same size and contour, also as recited in claim 1.

The broken out piece of material 10, in relation to the outer contours of the rim hole 9, prevents the rear work piece 2 from folding over. This further step enables the curling back of only material of the upper plate shaped workpiece. In other words, breaking out an additional piece of material 10 of the rear plate shaped workpiece 2 by supporting the punch by a matrix 8 such that the outer contours of the piece of material corresponds to the outer contours of the rim hole 9 ensures that the rear plate shaped workpiece will not be folded over. This is because after the punch, the rear plate shaped workpiece already has its final shape.

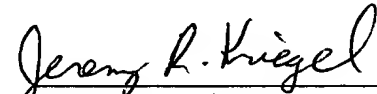
Ashby only discloses producing a rim hole whose transverse section is formed by material of both the upper workpiece 82 and the rear workpiece 84. The only broken out portions 88 in Ashby have a much smaller size and contour than the rim hole. Ashby does not disclose the step of breaking out the additional piece of material subsequently creating the penetrating opening through the stack. Inasmuch as Ashby fails to disclose all that is set forth in claim 1, the Applicant's claim 1 and all claims depending therefrom should be considered patentable over Ashby.

In light of the foregoing, it is submitted that claims 1-3, 5 and 6 are patentable over Ashby, and the Examiner's reconsideration and favorable action are respectfully requested. If

the Examiner has any questions that might easily be resolved by telephone, he is invited to contact the Applicant's undersigned attorney at (312) 474-6300.

Respectfully submitted,

Date: May 31, 2002


  
Jeremy R. Kriegel  
Reg. No. 39,257

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“EXPRESS MAIL” mailing label No. EV110798242US.

Date of Deposit: May 31, 2002

I hereby certify that this paper is being deposited with the United States Postal Service “EXPRESS MAIL POST OFFICE TO ADDRESSEE” service under 37 CFR §1.10 on the date indicated above and is addressed to: BOX RCE Commissioner for Patents, Washington, D.C. 20231

  
Richard Zimmerman